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Congress of the United States
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RANKING MEMBER
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COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM

COMMITTEE ON EDUCATION AND THE
WORKFORCE

May 6, 2011

The Honorable Ban Ki-moon
Secretary General
The United Nations
First Avenue at 46th Street
New York, New York 10015

The Honorable Luis Moreno-Ocampo
Prosecutor
International Criminal Court
PO Box 19519
2500 CM, The Hague
The Netherlands

I write to express my grave concern over recent actions by the North Atlantic Treaty Organization (NATO) in Libya that appear to constitute a deliberate attack on a foreign leader, in direct contravention to United Nations Security Council Resolution (UNSCR) 1973, and the effect such actions may have on prolonging an already protracted and bloody conflict in Libya.

I am specifically concerned about reports of a strike conducted by NATO on Saturday, April 30 on a compound in Tripoli that reportedly killed Saif al-Arab Gaddafi, the youngest son of President Muammar Gaddafi, along with three grandchildren. According to the *The Washington Post*, NATO's commander of the current operations in Libya, General Charles Bouchard, stated that "All NATO's targets are military in nature and have been clearly linked to the Gaddafi regime's systematic attacks on the Libyan population and populated areas. We do not target individuals."

NATO is acting in Libya pursuant to UNSCR 1973, which authorized an international military intervention for the sole purpose of protecting Libyan civilians. A NATO strike on a compound that resulted in the death of family members of President Gaddafi clearly exceeds this mandate and must not be tolerated. The lack of accountability for U.N. member states and international arrangements if they act beyond the U.N. Security Council mandate makes it clear that U.N. resolutions can be violated with impunity. Despite the mandate to protect Libyan civilians, it is clear that actions are being taken in Libya by member states that endanger the civilians.

As you know, on February 26, the U.N. Security Council referred Libya to the International Criminal Court (ICC) in order to investigate allegations of actions taken by the Libyan government against Libyan civilians in response to an uprising in the country. This week, the ICC prosecutor Luis Moreno-Ocampo announced that charges would be brought upon members

of the Libyan government for crimes alleged to have been committed against unarmed civilians that occurred during the current conflict.

It is imperative that NATO also be held accountable for any actions that violate UNSCR 1973 and international law. The United Nations must take immediate action to ensure compliance with UNSCR 1973, or risk a continued escalation of the conflict at the cost of many more lives. The U.N. has an obligation to protect civilians under international law and to ensure that military operations it has authorized are conducted in accordance to such laws.

Sincerely,

A handwritten signature in black ink, reading "Dennis J. Kucinich". The signature is fluid and cursive, with the first name "Dennis" being the most prominent part.

Dennis J. Kucinich
Member of Congress

cc: General Charles Bouchard, NATO